

Before the
Federal Communications Commission
Washington, DC 20554

FCC 17M-32
0722

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| In the Matter of |) | EB Docket No. 11-71 |
| |) | |
| MARITIME COMMUNICATIONS/LAND MOBILE, LLC |) | File No. EB-09-1H-1751 |
| |) | FRN: 0013587779 |
| |) | |
| Participant in Auction No. 61 and Licensee of Various Authorizations in the Wireless Radio Services |) | |
| |) | |
| Applicant for Modification of Various Authorizations in the Wireless Radio Services |) | Application File Nos. 0004030479, 0004193028, 0004193328, 0004354053, 0004309872, 0004310060, 0004314903, 0004315013, 0004430505, 0004417199, 0004419431, 0004422320, 0004422329, 0004507921, and 0004604962 |
| |) | |
| Applicant with ENCANA OIL AND GAS (USA), INC.; DUQUESNE LIGHT COMPANY, DCP MIDSTREAM, LP; JACKSON COUNTY RURAL MEMBERSHIP ELECTRIC COOPERATIVE; PUGET SOUND ENERGY, INC.; ENBRIDGE ENERGY COMPANY, INC.; INTERSTATE POWER AND LIGHT COMPANY; WISCONSIN POWER AND LIGHT COMPANY; AND DIXIE ELECTRIC MEMBERSHIP CORPORATION, INC. |) | |
| |) | |
| For Commission Consent to the Assignment of Various Authorizations in the Wireless Radio Service |) | |
| |) | |

ORDER

Issued: August 29, 2017

Released: August 29, 2017

On August 28, 2017 at 11:00 AM, the Presiding Judge held a conference call with counsel for Maritime, Choctaw, the Enforcement Bureau, Duquesne Light, and Puget Sound Energy. The purpose of the call was to address the contention that “proposed conclusions of law are unnecessary here given the unique, fact-specific inquiry associated with Issue (g).” Maritime and Choctaw’s Further Status Report at 2 (filed July 14, 2017).

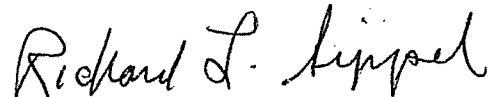
Without reaching the issue of whether Issue (g) is “unique[ly] fact-specific,” the Presiding Judge is convinced, based on representations by Maritime, Choctaw, and the Bureau, as well as the parties’ trial briefs, that proposed conclusions of law are unnecessary. Given the

absence of a Commission definition for permanent discontinuance of AMTS stations, the standard the Presiding Judge is applying under the circumstances is the most equitable outcome. All relevant concepts and factors will be considered.

Also discussed was the resolution of the remaining 16 site-based authorizations at issue. Of those, only two are being contested by the Bureau – Station KAE889, Locations 3 and 13, both of which had been leased to Evergreen School District (ESD). In September 2014, shortly before the hearing on Issue (g), Maritime learned that ESD was no longer using the spectrum. *See* DePriest Written Direct at ¶ 9; *see also* EB Ex. 47. So the Presiding Judge has asked for clarification on: (1) ESD's use, or non-use, of the spectrum at each of those sites, (2) the approximate month and year ESD stopped using KAE889's spectrum, (3) the status of ESD's lease(s) with Maritime, and (4) the estimated length of time it would take Choctaw to have each of those sites be broadcast-ready.

Accordingly, **IT IS ORDERED** that by **2 P.M. on Friday, September 8, 2017**, Maritime and Choctaw will submit either a declaration on these issues, or a progress report. Once the submission on the above issues is in hand, the Presiding Judge will determine if further briefing is required on whether Maritime had a duty to ensure that the spectrum leased to ESD was actually being utilized.

FEDERAL COMMUNICATIONS COMMISSION¹

A handwritten signature in black ink, reading "Richard L. Sippel". The signature is written in a cursive, flowing style.

Richard L. Sippel
Chief Administrative Law Judge

¹ Courtesy copies will be sent to all counsel by email upon issuance.